

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO ALLEGED
UNAUTHORIZED ACTIVITIES OF MCI
TELECOMMUNICATIONS CORPORATION

CASE NO. 90-428

ALLEGED VIOLATIONS OF KRS CHAPTER
278

O R D E R

By Order dated January 4, 1991, the Commission found that a prima facie showing had been made that MCI Telecommunications Corporation ("MCI") may have charged rates and provided services not contained in filed tariffs. This action is a violation of KRS Chapter 278. The Commission ordered that: 1) an investigation be opened regarding any and all unauthorized rates and service being provided by MCI; 2) MCI cease and desist from collecting such rates and providing such service; and 3) MCI file a written response showing cause why it should not be fined pursuant to KRS 278.990, and be required to refund all unauthorized rates, and charges collected.

On January 24, 1991, MCI filed responses to the January 4, 1991 Order seeking dismissal of the proceeding or, in the alternative, the scheduling of an informal conference to discuss the specifics of the Commission's show cause Order. MCI denied charging any rate or providing any service not permitted in its

schedule of rates and conditions of service. The services purchased from MCI were in fact interstate services provided under tariff filed with the Federal Communications Commission ("FCC"). MCI stated that the relationship with NCN Communications, Inc. ("NCN") was governed at all times solely by the terms and conditions of MCI's interstate tariff. Finally, MCI responded that provision of its FCC-tariffed long distance service to NCN was terminated on or about September 14, 1990.

The Commission finds that the record in this case is complete and has determined that MCI is not in violation of KRS 278.160 and should not be fined under KRS 278.990.

IT IS THEREFORE ORDERED that MCI's request that this proceeding be dismissed is granted. Accordingly, the motion for informal conference is moot.

Done at Frankfort, Kentucky, this 14th day of March, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director